

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MICHAEL DANIEL HAMMONDS,)
)
Petitioner,) 1:16CV818
v.) 1:02CR118-1
)
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on April 9, 2019, was served on the parties in this action. Petitioner objected to the Recommendation [Doc. #42].

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation [Doc. #40].

IT IS THEREFORE ORDERED that the Government's motion to dismiss [Doc. #32] is **GRANTED**, that Petitioner's amended motion to vacate, set aside or correct sentence [Docs. #29-30, 37] is **DISMISSED**, and this action is **DISMISSED**. To the extent Petitioner has raised claims attacking his sentence or convictions in South Carolina, those claims are **DISMISSED** without prejudice to him seeking relief in the

appropriate jurisdiction. A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 6th day of August, 2020.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge